

<p><b>Meeting Date:</b></p> <p><b>March 13, 2018</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>JOINT PILOT FITNESS/RULES AND REGULATIONS COMMITTEE MEETING MINUTES</b></p>	<p><b>Page 1 of 4</b></p>
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**Committee Members Present:**

Knute Michael Miller, Pilot Fitness Committee Chairman and Past Board President  
 Captain George Livingstone, Rules and Regulations Committee Chairman and Commissioner  
 Dave Connolly, Board Vice President  
 Brigadier General (Ret.) Chester L. Ward, MD  
 Robert Kosnik, MD (arrived at 9:47 a.m.)  
 Captain Einar Nyborg, Commissioner

**Committee Members Absent:**

John Schneider, Commissioner

**Staff Present:**

Allen Garfinkle, Executive Director  
 Roma Cristia-Plant, Assistant Director  
 Dennis Eagan, Board Counsel  
 Luis Cruz, Associate Governmental Program Analyst

**Public Present:**

Ray Paetzold San Francisco Bar Pilots Business Director and General Counsel.

**OPEN MEETING**

**1. Call to order and roll call. (Chairman Miller/Livingstone)**

Pilot Fitness Committee (PFC) Chairman Miller called the meeting to order at 9:39 a.m.  
 Associate Governmental Program Analyst Cruz called the roll and confirmed a quorum.

**2. Approval of the minutes of last Joint Pilot Fitness/Rules and Regulations Committee meeting held on January 23, 2018. (Chairman Miller/Livingstone)**

Committee members were presented the draft minutes from the meeting held on January 23 2018. Commissioner Nyborg requested a minor edit to the minutes. There was no further discussion.

**MOTION:** Vice President Connolly moved to approve the draft minutes from the committee meeting held January 23, 2018, as amended. Dr.Ward seconded the motion.

**VOTE:** YES: Livingstone, Miller, Connolly, Kosnik, Nyborg, and Ward.  
 NO: None.  
 ABSTAIN: None.

**ACTION:** The motion was approved.

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**3. Discussion and review of proposed amendments to the Board fitness regulations in Title 7, California Code of Regulations sections 217-217.45. Possible Joint Committee recommendation to the Board to propose amendments to regulations in Title 7, California Code of Regulations sections 217-217.45 consistent with the Joint Committee findings. (Board Staff)**

Board Counsel Eagan presented the latest version of the draft amendments to the fitness regulations, dated as of March 13, 2018. He and the Committee members discussed the proposed amendments in each section. Generally, the proposed amendments and discussion involved:

- Making changes to differentiate a medical assessment from a fitness determination, and clarifying that a fitness determination may include something other than a medical assessment.
- The addition to the regulations regarding the allowable time frame for a medical assessment.
- Allowing an examining physician to solely make a not fit for duty determination.
- Allowing a fit for duty determination of limited duration, in some increment of time of less than one year.
- Adding regulations that impact a not fit for duty determination that was arrived at by the physicians because of a disability that was determined to be permanent or of extended and uncertain duration.
- A change to the examining physician minimum qualifications that reduces the number of years of required experience in general occupational medicine or maritime occupational medicine.
- Clarification that the Executive Director may appoint an acting Medical Review Officer (MRO) if one is not appointed by the designated MRO.

Executive Director Garfinkle explained that Board staff is unclear whether all changes in a pilot's medical condition that emanate from a "Notice to Board-Appointed Physician" and a "Notice to Executive Director" require a Fitness for Duty (FFD) statement issued to the Board.

Dr. Kosnik responded stating that the intention is to close the communication loop with Board staff, although the physicians often have to solicit additional medical records from the pilot and trainee prior to being able to make a fitness determination. He also noted that physicians are not receiving information concerning U.S. Coast Guard medical waivers and related correspondence from pilots and trainees. He explained the importance of being able to cross reference another physician's opinion of a medical issue. Executive Director Garfinkle reminded the committee that the current fitness regulations in §217(c) allow the physicians to issue a Not Fit for Duty (NFFD) determination if the pilot or trainee has not provided the requested or required information.

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The Joint Committee explored the concept of a “Fit for Duty, Limited Term” (FFDLT), which would signify that the person evaluated is mentally and physically qualified for duty as a pilot or trainee, but must submit to another fitness determination within a period of less than one year after the most recent fitness determination. The Joint Committee concluded that it was unnecessary to identify two separate Fit for Duty (FFD) determinations delineated by time, but preferred to identify the term of the FFD determination. The Joint Committee also discussed the term of a FFD determination as it relates to the State licensure issuance and/or anniversary date, and agreed to work with Board staff to continue to flesh out the concept of a FFD determination in less than one year increments.

The Joint Committee briefly discussed the issue of attempting to insert a NFFD determination related to a disability determined by the physicians to be of permanent or extended and uncertain duration, and after a short discussion determined that this issue should be referred to the Pension Committee.

The Joint Committee discussed and generally agreed to the proposed amendment to §217.45(b)(2), which would reduce the examining physicians minimum occupational medicine experience from 5 years to 1 year, and agreed that such a change would likely create a greater pool of available examining physicians without negatively impacting the quality of the medical services.

The Joint Committee reviewed a proposed amendment to §217.45(f) which would allow the Board’s Executive Director to appoint an acting MRO for a time period for when the MRO is unavailable. Assistant Director Cristia-Plant and Dr. Kosnik noted the possibility of pre-designating multiple MRO’s within the Board’s contract with UCSF.

Lastly, the Committee directed staff to consider comments made at this meeting, and proposed additional edits to the fitness regulations at the next meeting.

#### **4. Public comments on matters not on the agenda.**

There were no comments from the public.

#### **5. Schedule the next Joint Committee meeting, and proposals for the next Joint Committee meeting agenda.**

Chairman Livingstone requested to hold the next Joint Committee meeting during the first half of April 2018.

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## 6. Adjournment.

There was no further discussion by the Committee.

**MOTION:** General Ward moved to adjourn the meeting. Vice President Connolly seconded the motion.

**VOTE:** YES: Livingstone, Miller, Connolly, Kosnik, Nyborg, Ward  
NO: None.

**ACTION:** The motion was approved and the meeting adjourned at 12:14 p.m.

Submitted by:



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Allen Garfinkle, Executive Director